

THE HONORABLE RICARDO S. MARTINEZ

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

XINLU FAN, LIANG'E FAN,
SHAOCHUN FU, JIANHUA GU,
FENYING LI, MINGXIA LI, YONGNIAN
SHI, CHENLIN WANG, SHUWEN WU,
HAIJUN ZHOU, and XIAOFANG ZHOU,

Plaintiffs,

v.

U.S. BANK NATIONAL ASSOCIATION;
QUARTZBURG GOLD, LP; ISR
CAPITAL, LLC; IDAHO STATE
REGIONAL CENTER, LLC; and SIMA
MUROFF,

Defendants.

U.S. BANK NATIONAL ASSOCIATION,

Crossclaimant,

v.

QUARTZBURG GOLD, LP; and IDAHO
STATE REGIONAL CENTER, LLC,

Crossclaim
Defendants.

NO. 2:19-cv-01545-RSM

**STIPULATION AND ORDER
REGARDING CLASS
CERTIFICATION DEADLINES**

STIPULATION AND ORDER RE:
CLASS CERTIFICATION DEADLINES
2:19-cv-01545-RSM

DORSEY & WHITNEY LLP
701 FIFTH AVENUE, SUITE 6100
SEATTLE, WA 98104-7043
PHONE: (206) 903-8800
FAX: (206) 903-8820

STIPULATION

All parties who have appeared in this action, by and through their undersigned counsel, hereby stipulate and agree as follows:

1. The deadline for the Motion to Certify Class is currently scheduled for September 25, 2020. The deadline was continued from prior dates because the global COVID-19 pandemic has inhibited class certification-related discovery.

2. Plaintiffs and Defendant U.S. Bank National Association (“U.S. Bank”) have been engaged in settlement discussions pertaining to this case and the related case *Chi Chen et al. v. U.S. Bank National Association*, Case No. 2:16-cv-01109-RSM. These ongoing settlement discussions have been productive and there is now the potential to resolve the claims asserted against U.S. Bank. Additional time is needed to address each Plaintiff’s claims. In recent weeks, many Plaintiffs have dismissed their claims against U.S. Bank.

3. In addition, as previously explained in the parties’ prior stipulations regarding class certification deadlines, Defendant U.S. Bank has sought to take the deposition of any putative class representative prior to class certification briefing and has agreed to take that deposition remotely, over videoconference. However, Plaintiffs’ counsel has represented that Plaintiffs cannot be deposed in China, even remotely, because depositions in China are illegal, and has further indicated that travel and other restrictions resulting from the global COVID-19 pandemic are impeding any deposition scheduling at this time.

4. Accordingly, the Parties have stipulated and agreed to request the following relief from this Court:

- a. The deadline for the Motion to Certify Class should be continued until December 18, 2020;
- b. The deadline for any Opposition to Motion to Certify Class should be continued until January 15, 2021; and
- c. The deadline for any Reply in Support of Motion to Certify Class should be continued until February 12, 2020.

1 5. The Parties stipulate and agree that there is good cause for the requested relief on
2 the grounds of efficiency for the Parties and the Court. The requested relief will accommodate
3 and facilitate the Parties' ongoing settlement process, avoid the Parties incurring potentially
4 unnecessary expenses, and avoid the Parties and the Court incurring potentially unnecessary
5 burdens. The Parties further agree that there is additional good cause for this request because U.S.
6 Bank believes it is entitled to take the deposition of any putative class representative before class
7 certification is briefed but the COVID-19 pandemic is impeding that discovery.

8 6. This Stipulation is without waiver of any party's right to seek further extensions or
9 any other relief.

10 For these reasons, the Parties hereto stipulate and agree to, and respectfully and jointly
11 request entry of, the Order set forth below.

Respectfully submitted this 25th day of September, 2020.

/s/ Shawn Larsen-Bright

Jeremy Larson, WSBA #22125
Shawn Larsen-Bright, WSBA #37066
Dorsey & Whitney LLP
701 Fifth Avenue, Suite 6100
Seattle, WA 98104-7043
(206) 903-8800

larson.jake@dorsey.com
larsen.bright.shawn@dorsey.com

***Attorneys for U.S. Bank National
Association***

/s/ Jihee Ahn (by email authorization)

Jihee Ahn, WSBA #56012
John McDonald *admitted pro hac vice*
Harris Bricken Sliwoski LLP
600 Stewart Street, Suite 1200
Seattle, WA 98101
(206) 224-5657

jihee@harrisbricken.com
john.mcdonald@harrisbricken.com
Attorneys for Plaintiffs Xinlu Fan, et al.

/s/ Sean Prosser (by email authorization)

Sean T. Prosser, *admitted pro hac vice*
Mintz, Levin, Cohn, Ferris, Glovsky & Popeo
3580 Carmel Mountain Road, Suite 300
San Diego, CA 92130
STProsser@mintz.com

and

Roger D. Mellem, WSBA #14917
Adam Doupe, WSBA #55483
Ryan, Swanson & Cleveland, PLLC
1201 Third Avenue, Suite 3400
Seattle, Washington 98101-3034
mellem@ryanlaw.com

doupe@ryanlaw.com
***Attorneys for Defendants Quartzburg Gold,
LP, ISR Capital, LLC, and Idaho State
Regional Center, LLC***

ORDER

Based upon the foregoing Stipulation, and for good cause shown, it is hereby ORDERED that the deadline for the Motion to Certify Class is hereby continued to December 18, 2020; that the deadline for any Opposition to Motion to Certify Class is hereby continued to January 15, 2021; and that the deadline for any Reply in Support of Motion to Certify Class is hereby continued to February 12, 2021.

IT IS SO ORDERED this 29th day of September, 2020.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on this date I caused to be served the foregoing on the following counsel of record by the method indicated:

John F. Rapp, WSBA #17286
Daniel P. Harris, WSBA #16778
Jihee Ahn, WSBA #56012
John McDonald *admitted pro hac vice*
Harris Bricken Sliwoski LLP
600 Stewart Street, Suite 1200
Seattle, WA 98101
Tel: 206-224-5657
Fax: 206-224-5659
john.rapp@harrisbricken.com
dan@harrisbricken.com
jihee@harrisbricken.com
john.mcdonald@harrisbricken.com
Attorneys for Plaintiffs

- ☐ Via Messenger
☐ Via Facsimile
☐ Via U.S. Mail
☐ Via Electronic Mail (*per agreement*)
☒ Via ECF Notification

Roger D. Mellem, WSBA #14917
Adam Doupe, WSBA #55483
Ryan, Swanson & Cleveland, PLLC
1201 Third Avenue, Suite 3400
Seattle, Washington 98101-3034
mellem@ryanlaw.com
doupe@ryanlaw.com

- ☐ Via Messenger
☐ Via Facsimile
☐ Via U.S. Mail
☐ Via Electronic Mail (*per agreement*)
☒ Via ECF Notification

and

Sean T. Prosser, *admitted pro hac vice*
Mintz, Levin, Cohn, Ferris, Glovsky & Popeo
3580 Carmel Mountain Road, Suite 300
San Diego, CA 92130
STProsser@mintz.com

- ☐ Via Messenger
☐ Via Facsimile
☐ Via U.S. Mail
☐ Via Electronic Mail (*per agreement*)
☒ Via ECF Notification

***Attorneys for Defendants Quartzburg Gold,
LP, ISR Capital LLC and Idaho State
Regional Center, LLC***

DATED this 25th day of September, 2020.

/s/ Molly Price
Molly Price, Legal Assistant